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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2019

CORAM

THE HONOURABLE **MS.JUSTICE P.T.ASHA**

TR.C.M.P. (MD)Nos.398 & 399 of 2019

and

C.M.P. (MD)Nos.9041& 9043 of 2019

TR.C.M.P. (MD)No.398 of 2019

K.R.Prabakaran

... Petitioner/Plaintiff

Vs.

1.R.H.Mahalakshmi

2.R.C.Vatchala

3.The Assistant Executive Engineer,

Madurai Corporation, Madurai-625 002.

... Respondents/

Defendants 1 to 3

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in O.S.No.341 of 2017 on the file of the Principal District Munsif Court, Madurai Town and transfer the same to the file of original side Testamentary and Instate Jurisdiction Principal Seat at Chennai and to be tried along with O.P.No.652 of 2019.

For Petitioner : Mr.M.S.Suresh Kumar

For R1 & R2 : Mr.M.Saravanan

For R3 : Mr.J.Gunaseelanmuthiah,
Standing Counsel

TR.C.M.P. (MD)No.399 of 2019

K.R.Prabakaran

... Petitioner/Ist Defendant

Vs.

1.R.H.Mahalakshmi ... Respondents 1 and 2/ Plaintiffs 1 and 2

2.R.C.Vatchala

3.K.P.Eswari

4.K.Jayant Karthic

5.N.V.Dev Anand

6.N.V.Vijay Anand

7.M/s.Siva Traders,

Rep.by its Proprietor: Balakrishnan,

Door No.12, Mahal 6th Street,

Madurai-625 001.



8.M/s.Kurunji Traders,
Rep. by its Proprietor, Balakrishnan,
Door No.12, Mahal 6th Street,
Madurai-625 001.

9.Sumathi

10.Jamuna

... Respondents 3 to 10/ Defendants 2 to 9

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in O.S.No.102 of 2018 on the file of the 1st Additional District Court, Madurai and transfer the same to the file of original side Testamentary and Intestate Jurisdiction Principal Seat at Chennai and to be tried along with O.P.No.652 of 2019.

For Petitioner : Mr.M.S.Suresh Kumar

For Respondents : Mr.M.Saravanan

COMMON ORDER

The above Transfer Civil Miscellaneous Petitions have been filed to transfer the suits in O.S.No.341 of 2017 on the file of the Principal District Munsif Court, Madurai Town and O.S.No.102 of 2018 on the file of the 1st Additional District Court, Madurai to the original side of the Principal Seat at Chennai to be tried along with O.P.No.652 of 2019, in which the first and second respondents have filed caveat.

2.Considering the fact that the Will, which is the subject matter of O.P.No.652 of 2019 is also the subject matter in the two suits and the decision in O.P.No.652 of 2019 would have a bearing on the two suits, interest of justice would be sub-served, if the two suits pending before the Courts in Madurai are transferred to the file of the original side of the Madras High Court at Chennai. Accordingly, this Transfer Civil Miscellaneous Petitions are allowed and the suits in O.S.No.341 of 2017 and O.S.No.102 of 2018 are ordered to be withdrawn and transferred from the file of the Principal District Munsif Court, Madurai Town and 1st Additional District Court, Madurai to the file of original side of the Madras High Court at Chennai.

3.The learned Principal District Munsif Court, Madurai Town, is directed to transmit the entire records in O.S.No.341 of 2017 to the original side of the Madras High Court at Chennai and the learned 1st Additional District Court, Madurai is directed to transmit the entire records in O.S.No.102 of 2018 to the original side of the Madras High Court at Chennai to be tried along with O.P.No.652 of



2019. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Principal District Munsif Court, Madurai Town.
- 2.The 1st Additional District Court, Madurai.
- 3.The Joint Registrar, Original Side,
Madras High Court, Chennai.

Copy to:
The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.S.SURESH KUMAR, Advocate (SR-98861[F] dated
18/11/2019)

+1 CC to M/s.J.GUNASEELAN MUTHIAH, Advocate (SR-98754[F] dated
15/11/2019)

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-98956[F] dated
18/11/2019

TR.C.M.P. (MD) Nos.398 &
399 of 2019
15.11.2019

KK/SAR/09.12.2019/3P-8C/